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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BAARDA	Examiner:	Lee, K.
Serial No.:	10/622,097	Group Art Unit:	3753
Filed:	July 17, 2003	Docket No.:	H26486 US (HONY.017PA)
Title:	GAS FLOW CONTROL		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2005.

By: Kelly S. Waligney
Kelly S. Waligney

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated September 9, 2005 in which a restriction requirement was made, the claims of Group I (1-19) are hereby elected, with traverse. A Petition for One-Month Extension of Time, wherein all requisite fees are provided, accompanies this response.

Applicant traverses the restriction requirement because the Office Action fails to provide a proper basis for restriction. The Office Action identifies two bases for requiring restriction under MPEP § 806.05(c) and fails to fulfill the requirements of either. Instead, the Office Action merely concludes that the combination does not require certain valve-operation aspects of the subcombination involving closure of a second valve, and that "the subcombination does not require the series arrangement of the first and second main valves of the combination." Applicant submits that this rationale would apparently support the restriction of any dependent or intervening claim as well as combinations of independent claims where one independent claim is written more narrowly than another independent claim. Such a result was never intended as the purpose of requiring claim restriction. Furthermore, Office Action's suggestion that the subcombination does not involve a series arrangement of the first and second main valve appears contrary in that the alleged subcombination does indicate that the first servo valve is coupled to

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the first main valve and to the second main valve (*e.g.*, thus connecting the first and second main valves in series). The Office Action also infers that the subcombination has a separate utility without presenting any evidence in support of such conclusion. Thus, the Office Action does not present a proper basis for restriction.

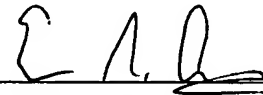
Reconsideration and withdrawal of the restriction requirement is respectfully requested. If the Examiner has any questions or comments, a phone call to the attorney of record at telephone no. 651-686-6633 x103 is invited.

Respectfully submitted,

Please continue to direct all correspondence to:

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